

Name William Kirkpatrick, Jr.Address P.O. Box C-91406San Quentin, CA 94974CDC or ID Number C-91406

E-filing

Northern District Courtof California

(Court)

VRW

PETITION FOR WRIT OF HABEAS CORPUS

(PR)

WILLIAM KIRKPATRICK, JR.

Petitioner

vs.

Robert L. Ayers

Respondent

Warden S.Q. Prison

CV

08

1393

No.

(To be supplied by the Clerk of the Court)

Request For attached documents
writs and exhibits to be considered
by this court and granted.

Petitioner - William Kirkpatrick Jr. requests the attached writ "notice
of submission of documents dated 1-24-08 be accepted by this court.
While normally the writ - and its attachments should go to the
sent dist. ct sentencing Wm. D. Kellers it is not possible to do
so. The F.P.D. Sean K. Kennedy refuse to forward the writ and
the U.S. Supreme Court requires lower court exhaustion and I
just got the thing back on 2-6-08 after an unsuccessful attempt
at 'direct' filing in Kellers court.
An update to Kellers order - most recent - to me to see
psyche Dr. Michael Maloney is necessary.
Per Judge Kellers order - and against my better judgment I tried
to go to the pre made Feb 22 08 appointment. On video
sanquetter, Capt Fox refused to allow me to do so unless I
went - across the compound - in shower shoes and no pants -
in the rain!

Note: Capt Fox is one of the S.G. officials who tried to.

FILED
08 MAR 11 PM 3:32
RICHARD W. VIEKING
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
VRW
530

MC-275

1 have me murdered on oct 15, 2006. He is also responsible
 2 for a methodical campaign of torture with full knowledge
 3 of the abuses and indignities being inflicted upon me by
 4 sanguine white christian young guards - all white!

5 The 1- Food doping; 2- assaults; 3- legal papers theft;
 6 4- threats; 5- denial of medical care; 6- mail abuse;
 7 7- sleep deprivation; 8- murder attempts; 9- denial
 8 of medical aids; 10- denial of normal condemned
 9 program- grade A; 11- daily conniving with gang affili-
 10 cated inmates to further harass me; - are all in full
 11 swing!

12 That I am of color - mexican / black. And a follower of
 13 islam is of course the motive for this unchecked be-
 14 havior.

15 But the primary reason is this prison doesn't want any-
 16 condemned inmate to represent himself! And self repres-
 17 entation is my ultimate goal.

18 Note: I immediately notified the FBI, SF HQ about
 19 Capt. Fox violating judg Keller's order and the reasons
 20 why, enclat out Feb 24, 2008.

21 Also the FPDs office, Feb 26, 2008, LTR "Notifg Keller".

22 And the Calif. att. gen Mr. Gerald Brown, Feb 28, 08.

23 And the U.S. court of federal claims where I've just
 24 opened litigation. March 4, 2008.

25 I'm waiting to see if capt. Fox is arrested - for consp-
 26 iring to and indeed violating a court order, obstruct-
 27 ion of justice, 'intimidating the complaining witness',
 28 'violating my constitutional rights' - Fox should be

1 Arrested and if he isn't I'm going to want to know the
2 reason why!

3 Also note: also present on Feb 22, 08 during Capt Fox's re-
4 fusal to allow me the court ordered psyc visit was P/G (pri-
5 son guard) Zeillon. No coincidence! P/G Zeillon was a
6 key figure in the June 3, 07 unprovoked racial/rel-
7igious assault upon me! By young white christian guards
8 - and one jew!!! Their best pals on 'the row' (death
9 row) are of course the ABs - arian brotherhood; skin
10 heads; and NLRs - nazi low riders. And of course
11 the Mexican Mafia - my life long enemies. And now
12 the guards are recruiting the Crips!

13 S.O. administration use access to drug deliveries and
14 constitutional rights and privileges to BRIBE the gangs.
15 Please grant my writ.

21 3-5--8

21 Will Kirkpatrick
22 William Kirkpatrick Jr

MC-275

Name William Kirkpatrick, Jr.Address P.O. Box C-91406San Quentin, CA 94974CDC or ID Number C-91406Rec.
2-6-08
unrec'd!?Central District Courtof California

(Court)

PETITION FOR WRIT OF HABEAS CORPUS

WILLIAM KIRKPATRICK, JR.

Petitioner

vs.

Robert L. Ayers

Respondent

warden S.Q.

No.

CV 96-0351-WDK

(To be supplied by the Clerk of the Court)

notice of submission of documents
to Judge Wm. D. Keller for exhaust-
ion of issue

- 1- Petitioner submits the attached documents - in order of filing;
- 2- 6 page writ with 7 exhibits (A-G) dated 10-9-07
- 3- originally sent to FPD Scott Kennedy for cert. of counsel and forwarding to Judge Keller for 2 requested orders.
- 4- 1 page FPD response to request for funding dated NOV. 14'07.
- 5- 3 page writ to U.S. sup. court - with 9 page court order attached - dated 12-18-07.
- 6- 1 page U.S. sup. Ct response from Clerks William K. Suter and Gail Johnson.
- 7- 1 page 'notice of submission' dated 1-24-08 with letter attached, titled "Formal written refusal of submission per U.S. supreme court instruction."

I request these documents filed and considered.

Signed at

San Quentin Prison 1-24-08
San Quentin Calif 94964William Kirkpatrick Jr.
William Kirkpatrick Jr.

rec-6-08

1-24-08

Central Dist. Court

Wm. D. Keller Senior Judge

Re: Formal written refusal of submission per U.S.
Supreme Court instruction.

Dear Fucking idiot,

As you see by the enclosed response from clerks
Suter and Johnson I require lower - in your case bottom
of the barrel - court exhausting.

Please stay true to form and place your usual "Fuck
you nigger" rubber stamp on enclosed submission imme-
diately so that I may proceed up the chain of command -
so to speak.

Also, note, I have made every effort to comply with
your orders since this 11 year long competency B.S.
began. Those days are over hereby.

Stamp my submission and return it.

Will Kirkpatrick A

William Kirkpatrick Jr.

C-91406 CDC

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

January 16, 2008

RC

1-23-08

William Kirkpatrick
P.O. Box C-91406
San Quentin, CA 94974

RE: In Re William Kirkpatrick

Dear Mr. Kirkpatrick:

← (12-18-08)
In reply to your letter or submission, received January 7, 2008, I regret to inform you that the Court is unable to assist you in the matter you present.

Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases or controversies properly brought before it from lower courts in accordance with federal law and filed pursuant to the Rules of this Court. The Court does not give advice or assistance or answer legal questions on the basis of correspondence.

Your papers are herewith returned.

The Rules of this Court are enclosed.

Sincerely,
William K. Suter, Clerk
By:

Gail Johnson
(202) 479-3038

Enclosures

MC-275

Name William Kirkpatrick Jr.Address P.O. box C-914106San Quentin Ca 94974CDC or ID Number C-914106U.S. Supreme Court

(Court)

Request for contact
~~PETITION FOR WRIT OF HABEAS CORPUS~~
 with my own appeals court!

William Kirkpatrick Jr.
 Petitioner

vs.

9th circuit ct. of appeals
 U.S. dist. ct. cent. dist. Calif

Respondent (Robert L. Ayers - warden
 San Quentin Prison - REAL Party Interest)

No.

(To be supplied by the Clerk of the Court)

Petitioners request to have the attached documents GIVEN to cent dist court, Calif senior judge William D. Keller in consideration of my death penalty appeal case # CV96-0351-WDK.

Petitioner, William Kirkpatrick Jr. prays the enclosed writ be ordered 'sent to' and 'GIVEN' to central dist court Calif senior judge William D. Keller.

The enclosed writ had been sent on Oct 9, 2007 to Fed. public defender Sean K Kennedy 'per' judge Kellers instructions for 'certificate of counsel'. He refused it! As you can see by his B.S. letter, Kennedy deliberately made an 'issue' over the "petition for writ of habeas corpus" that was 'stamped' on that front page when I photocopied it. He knows that's got nothing to do with that writ - and so do you - this court!!

Please note: I sent the writ and attachments to him Oct 9 2007, his letter is dated Nov. 14, 2007 and the envelope it came in is postmarked Nov 26 2007, and I got it Nov 28 2007. It only

12-18-07

1

1 takes 2-3 days for our letters to get to each
 2 other due to their legal status. Kennedy SAT on
 3 the writ to 'protect' the guards that are 'torturing'
 4 me!!! It's NOT the first time he's done this!!!
 5 Further the FPDs office is "counsel of record"
 6 their obligation during this 11 year long "competen-
 7 cy hearing" is 'solely' to provide "Cent. of Counsel"
 8 And I truly do not want even that much con-
 9 tact with those racist lying pigs!!

10 I also attach a July 14 2006 order from Judge
 11 Keller. You'll note: Page 2 lines 12-28 and
 12 especially Page 4 lines 8-10.

13 OF particular note regarding blackmail by judge
 14 Keller himself please see pages 5, 6, and 7.
 15 Keller has NO RIGHT-that I know of-to
 16 deny me due process avenues if I refuse any
 17 "examination"!!! THIS IS BULLSHIT!!!
 18 I am a half BLACK, half Mexican muslim and
 19 this B.S. by Keller is a clearly RACIST act!

20 This PIG is sitting there saying "There's nothing
 21 wrong with him. It was just the guards using
 22 his racist lawyers and the racist jew dep. a.G.
 23 to fuck with him! And you know what? It was
 24 so much fun that now I'm gonna do it, and if
 25 he doesn't let me, I'm not going to let him
 26 file anything that will have him formally declared
 27 competent. Cause all he really wants is to
 28 represent himself, and I'm not gonna let that

1 trigger & that!"

2 To further prove what a racist Shack Keller is I
3 enclose an order from him, dated Nov. 16, 2007. It
4 came to me Nov. 20, 2007 via a guard P/a Wagner
5 at about 12 pm - NO envelope NOTHING!! P/a
6 Wagner said Lt Schlosser gave it to him to give
7 to me. Lt Schlosser is 'one' of the pigs who
8 used the Mexican Mafia to try to murder me
9 on Oct 15 2006! Keller knows it!!!

10 Keller should have mailed it to me and you know
11 it! He is obviously trying to provoke a propane
12 trade from me so he can say - as he did
13 before - "oh this is so unusual. We're going
14 to have to examine the competency issue all
15 over again."

16 That Honky Gassot is getting his wish! Fuck him!
17 And Fuck the Fpb and Fuck that psyc Gassot!
18 I made the offer to see that psyc last year
19 Keller ignored my writ/letter - Fuck him NOW
20 I will NOT allow any white or Jew to
21 represent me! It is against islams credo
22 for me to do so - PLUS, I HATE you
23 PEOPLE TO NO END!

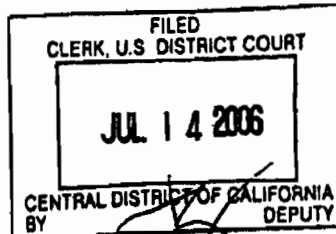
24 For the above reasons the attached must be sent
25 to Keller

26 I swear under penalty of perjury etc etc.
27 signed at SG prison

28 12-18-07

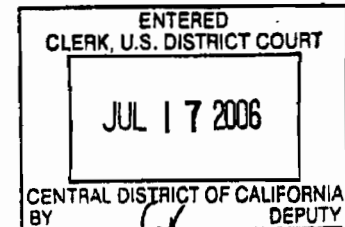
Will Kirkpatrick
William Kirkpatrick

ORIGINAL



Priority
Send
Enter
Closed
JS-5/JS-6
JS-2/JS-3
Scan Only

SCANNED



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WILLIAM KIRKPATRICK, JR.,

Petitioner,

v.

JEANNE WOODFORD, Warden,
California State Prison at San
Quentin, et al.,

Defendants.

Case No. CV 96-0351 WDK

ORDER DENYING MOTION TO
RECONSIDER DENIAL OF REQUEST
TO WAIVE PETITION OR TO HOLD
COMPETENCY HEARING

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d)

On September 26, 2002, this Court denied Petitioner's motion to Deny his request to waive his petition, or, in the alternate, hold a competency hearing on his fitness to waive his petition. The Court granted reconsideration of that Order on June 25, 2003. Following discovery into Petitioner's mental state, briefing closed on March 1, 2006.

Petitioner's competence had been evaluated and confirmed in a state court proceeding in November of 2001, and that determination is entitled to respect and deference. Petitioner's reconsideration motion in this Court reported that recently he had been placed into a mental health intervention program within San Quentin prison amid suspicion that he may have become psychotic. Because of

DEATH PENALTY

320

1 the possibility that Petitioner had now become incompetent, the Court allowed
2 reconsideration of its Order denying Petitioner a hearing on his competency.

3 The new inquiry is limited solely to evidence concerning Petitioner's
4 mental status dating after the state court's determination. As noted in this
5 Court's previous order, a federal court may not overturn such determinations
6 unless it concludes that they are not "fairly supported by the record." See 28
7 U.S.C. § 2254(d)(8); Demosthenes v. Baal, 495 U.S. 731, 735 (1990). Believing
8 "that a substantial question has been raised regarding recent changes" in
9 Petitioner's mental condition, Miller v. Stewart, 231 F.3d 1248, 1252 (9th Cir.
10 2000), the Court allowed discovery into and briefing on Petitioner's mental
11 health.

2> 12 The Court now views that inquiry as unwarranted. The briefing has
13 revealed the circumstances regarding Petitioner's entrance into the prison's
3> 14 mental health program, which was not occasioned by any evidence of
15 Petitioner's deteriorating mental state. Petitioner's entrance to the program was
16 initiated by a reference by Associate Warden Dean Wooten. Petitioner had
17 written letters of complaint targeting Wooten with accusations of wrong-doing.
18 Wooten, who is not a medical professional or therapist, felt that these
19 accusations were "grandiose, paranoid, and narcissistic." Because Petitioner's
20 accusations were of things that Wooten believed had never happened, Wooten
21 referred Petitioner for evaluation. Wooten has no disclosed background in
22 mental health that gives his reference of Petitioner any particular weight.
23 Wooten's reference related more to Wooten's view of Petitioner's accusations
24 than it did to Petitioner's mental functioning.

25 Once Petitioner was referred to the program, Dr. Roy Johnson was
26 assigned to evaluate him. Dr. Johnson was stymied in his efforts to evaluate
27 Petitioner by his refusal to cooperate. Petitioner flatly refused to talk with him,
28

1 reacting with hostility to the perceived insult to his sanity. Johnson's inquiry
2 was limited to staff interviews and review of Petitioner's writings. On that basis,
3 Johnson concluded that Petitioner had antisocial personality traits and fit the
4 criteria for paranoid personality disorder. He was put into the prison's Mental
5 Health Services Delivery System and Correctional Clinical Case Management
6 Services program for further evaluation. The purpose of the assignation was to
7 enable staff to rule in or rule out the existence of a mental illness; it was not
8 itself a diagnosis of incompetence. Johnson's inability to examine Petitioner
9 rendered him unable to diagnose Petitioner's mental condition.

10 The complaints to which Wooten reacted and upon which Dr. Johnson
11 relied in arriving at his state of concern were part of Petitioner's long history of
12 writing extensive, lurid letters regarding his representation, treatment, and
13 conditions of confinement. Dr. Diane McEwen, the psychiatrist who evaluated
14 Petitioner for Judge Graham in the state competency proceeding, was aware of
15 this habit and untroubled by it. She stated her opinion that this trait was the
16 product of "long-time character traits" and "not the product of psychosis." She
17 saw his conduct as reactive to strong feelings of helplessness caused by his
18 incarceration and as a "practical, therefore 'sane,' adaptation" to his
19 imprisonment. His overreaction to perceived slights and hostile and indignant
20 rhetoric were not delusional, but were gratifying to him "as an affective release,"
21 "egosyntonic" and "within his conscious control." Petitioner's letters and the
22 wild allegations therein are not new elements to consider in evaluating, or new
23 reasons to question, his competence, but are the continuation of his efforts to
24 gain some control over his circumstances. As such, the Court must leave the
25 state determination of incompetence undisturbed, unless the character of those
26 letters has changed in such a significant way as to raise concerns about
27 Petitioner's sanity.

1 Petitioner's counsel makes that argument, stating that the writings that
2 postdate her assessment have been reviewed by Dr. Xavier Amador, who
3 concludes that they disclose a worsening mental condition. Counsel do not point
4 to any writing by Petitioner that supports that conclusion. Review of the
5 writings referenced by Petitioner's counsel reveal that they concern the same
6 general topics that Petitioner presented to Dr. McEwen: racial persecutions,
7 conspiracies against him by jail staff, and inattention from his habeas counsel.
4 > 8 Reviewing his writings, the Court is struck only by the claims that he has been
9 denied sleep, been threatened by a Marin County DA through jail guards, and
10 that someone has signed him up for unwanted magazine subscriptions. These are
11 not recurrent claims, and no showing has been made that they are new elements
12 or particularly strong evidence of manifest incompetency. Petitioner argues
13 elsewhere in his brief that Petitioner's writings are troubling because they are
14 continuations and reinforcements of previous allegations. Lacking factual
15 support, and in light of the fact that it is contradicted by other arguments by
16 Petitioner, the claim that Petitioner's recent writings demonstrate recent mental
17 deterioration fails.

18 Petitioner's tenure in the prison's mental health program reflects the
19 difficulty all parties have had in assessing his mental condition. In the fourteen
20 months he was in the prison's mental health program, Petitioner simply refused
21 to discuss his mental state with therapy staff. When the conversation veered
22 from psychological inquiry, however, Petitioner would interact with staff. Dr.
23 Amy Bronswick talked with Petitioner regarding an inmate appeal (a "602") he
24 had filed and he responded and became engaged in a conversation with her. (Dr.
25 Erika Bencich had a similar experience with Petitioner.) Although Petitioner
26 did not 'open up' to Dr. Bronswick, telling her that "my opinion is that you don't
27 have enough information to make a determination about my competency," she
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1 viewed him as "relatively stable" and was part of the team that decided to release
2 him from the mental care program. Dr. R.D. Ponath, the Chief Psychiatrist,
3 reviewed the reports and concurred in his release. Ponath stated that Petitioner
4 had a paranoid personality disorder and an antisocial personality disorder, but
5 did not require mental health treatment. He pointedly did not opine on
6 Petitioner's competence to waive further Federal habeas proceedings because
7 Petitioner's lack of co-operation prevented a confident diagnosis.

8 Petitioner is correct in asserting that Respondent's medical experts have
9 not given him a clean bill of mental health, either by their direct examination nor
10 by their decision to release him from the treatment program. However, he has
11 misallocated the burdens of proof. As noted by the Ninth Circuit, the issue of a
12 petitioner's competence is not one on which either side bears a burden of proof-
13 the Court must determine by a preponderance of evidence whether the petitioner
14 is mentally competent to withdraw his petition. However, to reach that issue
15 "sufficient evidence must be presented to cause the court to conduct an inquiry."
16 Mason v. Vasquez, 5 F.3d 1220, 1224 (9th Cir. 1993). Review of the
17 circumstances under which Petitioner was placed into San Quentin's mental
18 health program has undercut the basis on which this Court ordered
19 reconsideration of its Order denying the request for an inquiry into Petitioner's
20 competence. The Court now finds that there was no basis to grant
21 reconsideration. Further, the Court finds that there has not been sufficient
22 evidence now presented to conduct a second inquiry into Petitioner's
23 competence. The request for reconsideration is hereby **DENIED**.

24 Unsurprisingly, the parties have each presented experts who reach the
25 conclusions. As part of their analyses, these experts propose conclusions that
26 Dr. Diane McEwen, the state court-appointed psychiatrist, would reach if only
27 she had access to Petitioner's recent writings and the records of his subsequent
28

1 behavior in custody. Indeed, much is made by Petitioner of the fact that her
2 determination of competency in light of his efforts to waive state habeas
3 proceedings was made with reference to the fact that he still had a federal habeas
4 petition. Both parties have urged this Court to accept their view that Dr.
5 McEwen would now side with their positions. Although the Court believes that
6 Petitioner has not carried his burden of showing a lack of competency, Dr.
7 McEwen's view on Petitioner's competence would have significant weight.

8 Because she was beholden to neither side, her view was not subject to
9 criticism or suspicion on the grounds of partisanship. She established a working
10 relationship with Petitioner, and there was a trust and acceptance that enabled
11 her to get a comprehensive view into his mental condition. In place of the
12 dueling expert opinions, the Court directs the parties to jointly approach Dr.
13 Diane McEwen via conference call or other means and determine if she is
14 available and willing to update her assessment of Petitioner's competency. If she
15 is, the parties are to provide her with all relevant materials, such as those
16 submitted with this motion, and arrange for her access to Petitioner for in-person
17 evaluation as necessary. The costs of her inquiry will be jointly borne by the
18 parties. The parties are to report to the Court within two weeks of the date of
19 this Order as to Dr. McEwen's availability. If she is not available, the Court will
20 consider appointing an expert under FRE 706, and will consider individuals
21 jointly proposed by the parties.

22 Petitioner is to be served with a copy of this order in the presence of
23 representatives of both parties, and it shall be imparted to him that his
24 cooperation with Dr. McEwen or other court-appointed expert Court is a
25 precondition to continued consideration of his request to withdraw his Federal
26 habeas petition. If he refuses to do so at any point, his request to waive his

1 petition will be denied and may not be renewed. The Court shall be informed if
2 Petitioner opts to discontinue his waiver of further proceedings. A progress
3 report on the state of Dr. McEwen's inquiry is to be submitted two months after
4 the date of this Order. The Court will schedule further proceedings after review
5 of Dr. McEwen's report. No briefing is to be submitted by either side regarding
6 the expert report.

7
8 **IT IS SO ORDERED.**

9
10 **IT IS FURTHER ORDERED** that the Clerk of the Court shall serve, by United
11 States mail or by telefax or by email, copies of this Order on counsel for the
12 parties in this matter.

13 Dated:

14 7/14/06

15 
16 WILLIAM DUFFY KELLER
17 Senior United States District Judge
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NOTICE PARTY SERVICE LIST

Case No. CV96-0351-WDK Case Title WILLIAM KIRKPATRICK v. JEANNE WOODFORD
 Title of Document ORDER DENYING MOTION TO RECONSIDER

<input type="checkbox"/>	Atty Sttlmnt Officer Panel Coordinator
<input type="checkbox"/>	BAP (Bankruptcy Appellate Panel)
<input type="checkbox"/>	Beck, Michael J (Clerk, MDL Panel)
<input type="checkbox"/>	BOP (Bureau of Prisons)
<input type="checkbox"/>	CA St Pub Defender (Calif. State PD)
<input type="checkbox"/>	CAAG (California Attorney General's Office - Keith H. Borjon, L.A. Death Penalty Coordinator)
<input type="checkbox"/>	Case Asgmt Admin (Case Assignment Administrator)
<input type="checkbox"/>	Catterson, Cathy (9 th Circuit Court of Appeal)
<input type="checkbox"/>	Chief Deputy Admin
<input type="checkbox"/>	Chief Deputy Ops
<input type="checkbox"/>	Clerk of Court
<input checked="" type="checkbox"/>	Death Penalty H/C (Law Clerks)
<input type="checkbox"/>	Dep In Chg E Div
<input type="checkbox"/>	Dep In Chg So Div
<input type="checkbox"/>	Federal Public Defender
<input type="checkbox"/>	Fiscal Section
<input type="checkbox"/>	Intake Section, Criminal LA
<input type="checkbox"/>	Intake Section, Criminal SA
<input type="checkbox"/>	Intake Supervisor, Civil
<input type="checkbox"/>	Interpreter Section
<input type="checkbox"/>	PIA Clerk - Los Angeles (PIALA)
<input type="checkbox"/>	PIA Clerk - Riverside (PIAED)
<input type="checkbox"/>	PIA Clerk - Santa Ana (PIASA)
<input type="checkbox"/>	PSA - Los Angeles (PSALA)
<input type="checkbox"/>	PSA - Riverside (PSAED)
<input type="checkbox"/>	PSA - Santa Ana (PSASA)
<input type="checkbox"/>	Schnack, Randall (CJA Supervising Attorney)

<input type="checkbox"/>	Statistics Clerk
<input type="checkbox"/>	US Attorneys Office - Civil Division -L.A.
<input type="checkbox"/>	US Attorneys Office - Civil Division - S.A.
<input type="checkbox"/>	US Attorneys Office - Criminal Division -L.A.
<input type="checkbox"/>	US Attorneys Office - Criminal Division -S.A.
<input type="checkbox"/>	US Bankruptcy Court
<input type="checkbox"/>	US Marshal Service - Los Angeles (USMLA)
<input type="checkbox"/>	US Marshal Service - Riverside (USMED)
<input type="checkbox"/>	US Marshal Service -Santa Ana (USMSA)
<input type="checkbox"/>	US Probation Office (USPO)
<input type="checkbox"/>	US Trustee's Office
<input type="checkbox"/>	Warden, San Quentin State Prison, CA

ADD NEW NOTICE PARTY (if sending by fax, mailing address must also be provided)	
Name:	
Firm:	
Address (include suite or floor):	
*E-mail:	
*Fax No.:	

* For CIVIL cases only

JUDGE / MAGISTRATE JUDGE (list below):

Initials of Deputy Clerk JG

12 pm
11-20-07
from Warden
he said Lt.
Schlosser gave
it to him.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Death Penalty

CIVIL MINUTES - GENERAL

Case No. CV 96-351 - WDK

Date November 16, 2007

Title William Kirkpatrick v. Robert Ayers, Warden

Present: The
Honorable

William D. Keller, United States District Judge

Linda Kanter

None

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings:(IN CHAMBERS) Order Regarding Examination of Petitioner by Dr.
Maloney

The Court has received and reviewed the declarations of Dr. Michael Paul Maloney and Deputy Federal Public Defender Linda Griffis regarding Dr. Maloney's visit to Petitioner on March 2, 2007, as well as Petitioner's letter to the Ninth Circuit setting out his view of the day's events. The Court is satisfied that Dr. Maloney and Ms. Griffis acted properly and were not in a position to monitor the communications between Petitioner and San Quentin's guards. In addition, the Court accepts Petitioner's statement that he was and remains willing to meet with Dr. Maloney.

Accordingly, the Court directs Dr. Maloney to meet with Petitioner to conduct his evaluation. The Court accepts the suggestion proposed by Ms. Griffis in her sealed declaration that the parties meet to devise a plan to ensure that Petitioner is informed of Dr. Maloney's visit and that communications between Petitioner and San Quentin's guards are accurate. Counsel are to inform the Court of their plan and the new date of Dr. Maloney's visit within 15 days of the date of this Order. Petitioner is to be served with a copy of this Order.

P/O Warden gave
it to me. He
said Lt Schlosser
gave it to him!!!

0 : 0

Initials of Preparer

LK

FEDERAL PUBLIC DEFENDER

CENTRAL DISTRICT OF CALIFORNIA
321 EAST 2nd STREET
LOS ANGELES, CALIFORNIA 90012-4202
213-894-2854 PHONE 213-894-7566 FAX

SEAN K. KENNEDY
Federal Public Defender

MARK R. DROZDOWSKI
*Supervising Attorney
Capital Habeas Unit*

November 14, 2007

Rec
11-28-07

**LEGAL MAIL AND CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGED**

Mr. William Kirkpatrick, Jr.
CDC no. C-91406
San Quentin State Prison
San Quentin, California 94974

Re: William Kirkpatrick vs. Ayers
USDC case no. CV 96-0351 WDK

Dear Mr. Kirkpatrick:

Your letter of October 9, 2007, with enclosed Petition/Request for Relief and exhibits has been forwarded to me. I have reviewed your petition and have determined that the petition should not be filed with the court.

Habeas corpus actions test the legality of criminal judgments. In other words, habeas corpus provides a forum for litigating constitutional claims and righting fundamentally unjust incarcerations. The actions complained of in your petition pertain exclusively to incidents of custody. The proper forum for addressing the issues and concerns in your petition is the system of review set up at San Quentin.

I am returning your petition and exhibits. Ms. Turlington has advised me that she has already sent you copies of each.

In the future, please tell your lawyer, Linda Griffis, about any problems you are experiencing. I'm sure she will try to assist you in any way she can.

Sincerely,



Sean K. Kennedy
Federal Public Defender

Enclosures

Name William Kirkpatrick Jr.
 Address P.O. Box C-91406
San Quentin Cal. 94974

CDC or ID Number C-91406

U.S. District Court
Central District California
 (Court)

Request for 2 orders
~~Request for relief from racist abuse & physical~~

WILLIAM KIRKPATRICK, JR.,	
Petitioner	vs.
<u>Robert L. Ayers</u>	
Respondent	<u>warden San Quentin</u>

No. CV 96-0351-WDK

(To be supplied by the Clerk of the Court)

Request for relief from racist abuse & physical and theft (due to my race and religion) in the form of: 1- an order for Calif. att. gen. Gerald Brown to investigate the oct 15 2006 attempt on [my] life by San Quentin officials and the June 3 2007 racial/religious assault upon [me] by San Quentin adjustment center staff; And the theft of my legal documents by his office and San Quentin officials; And the theft of [my] mail and criminal use of my name for mail fraud.
 2- An order to the FBI for the above named civil rights violations plus the mail fraud is interstate - a Federal offense.

Exhibits Attached
 a - G

Petitioner, William Kirkpatrick Jr. is at this time being cruelly abused physically and identity wise. I urgently request this court order relief for me via the Calif att. general and the Federal bureau of investigation.

- 1- Since last May 2006 I've been the victim of a systematic campaign of torture.
- 2- I've repeatedly written writs to this court detailing these abuses and requesting relief.
- 3- I've repeatedly sent documents to FBI S.K Kennedy, Mark Drozdowski, Linda Gribbis demanding my documents be sent to this court with a certificate of counsel. All my efforts

1 were ignored.

2 4- Which 'proves' the FPDs named are working with Sanguer-
3 ntia (S.G.) guards and officials to torture and murder me due
4 to my race - Mexican/black and religion - Islamic.

→ 5 5- The immediate problem 'now' is the oct 15 2006 187
6 attempt on my life by S.G. warden Robert L. Ayers et al
7 using a Mexican Mafia flunky - Christopher Self aka 'Pee
8 wee' aka 'Flaco' CDC # K 21401. This murder attempt was
9 filmed.

10 6- On oct 19 2006 I sent this court a 'detailed writ'
11 requesting relief similar to this request.

12 7- On ~~oct~~ Nov 13 2006 FPD Linda Griffith wrote to
13 'gloat' that this court's clerk sent her my oct 19 2006
14 writ seeking relief.

15 8- On ~~oct~~ ^{Nov} 14 2006 I tried again I sent this court an
16 instt appeal (602) or rather a 'copy' and 2 letters re-
17 questing relief. - PLUS a letter requesting this court
18 send me any orders it gives about my case - Directly!
19 To date I've gotten no response to that ^{Nov} ~~oct~~ 14 06
20 writ/complat/request.

21 9- On June 3, 2007 I was racially assaulted by
22 S.G. unit guards under orders from S.G. warden Robert
23 L. Ayers, Capt. R. Fox, Lt. Leese, Lt. Schlosser, Sgt
24 Hutchins, Sgt Hill. It was planned since April is my
25 understanding.

26 10- I sustained permanent physical damage to my right
27 ankle and shin and knee and my right arm and should-
28 er. And my front tooth was smashed during the

1 cowardly white christian trash assault.

2 11- I've received taken medical care! The doctors also do
3 not wish to provide 'christian' medical care to a muslim!

4 12- I'm in pain now despite self treatment. I'm doing
5 what I can

6 13- I'm also being denied a 'grade A' privilege program
7 unless I drop all efforts for an investigation into the
8 crimes mentioned above and below.

9 14- I'm in a grade 'B' disciplinary program for - ~~10-11-06~~
10 10-15-06 "mutual combat" (I kill you not) and a 6-3-07
11 "resisting staff" (I kill you not, not)!!

12 15- The 'perpetrators' of the 187 attempt and the
13 June assault were the 'prison officials' that made
14 up the 'committee' that makes the inmate program de-
15 cisions!

16 16- It should be noted that their oct 15 06 'assassin' was
17 given a group yard - privilege grade B - on april 26 2007.

18 17- I sent FPD Griffis a writ and letter to this court
19 demanding she "update the judge" on april 26, 07.
20 Did she?

➔ 21 18- Also, for some time now I have been the victim
22 of massive identity theft and mail fraud by S.W.
23 unit staff - % (prison guard) Perraud, % Knox, % Del-
24 rosario and recently % Martinez, % Haro, % Krebs, %
25 Constancio, % Zellor, % Ericson, and property guard
26 Quila and Facility capt. R. Fox.

27 19- According to invoices (bills) I've received, I 'ordered'
28 seven (7) different magazines (including one (1)

Exhibits:

newspaper) A - Wall St. Journal: B - Architectural Digest: C - Vanity Fair: D - Stuff for men: E - Blender: F - Condé Nast TRAVELLER: G - Details magazine.

20 - It should be noted that the wall st. journal bills have 3 different account numbers! Exh. A

21 - It should be noted that the 'latest' subscription just started coming oct 3 07! I got 10-3-07 + 10-4-07 and today 10-9-07. I did not order it! Further whoever did deliberately left the 'C' out of my CDC number to fuck with me! There are only 17 people on the tier. I'm the only 'Kirkpatrick' but even though the mailroom sends the -un ordered paper to me % Krebs % Constance, % Martinez, % Haro, and all the others are going to pretend that without the C on it they can't give it to me - R.S.! Exh. A

22 - Now I'm supposed to write and complain about 3 different subscriptions to the publisher and 'compromise' myself and mess up my credit! That is the named staff's 'intent'!!

23 - It should be noted I ordered Architectural Digest way back in March 07. To date I've not received or rather - been given an issue! Exh. B

24 - It should be noted my name on the invoice is misspelled kirkpatrick - it's - trick. Still they gave me the bills didn't they!? To needle me! Exh B

25 - The Vanity Fair is all accurate but they refuse to give it to me or tell me it ever came! Exh C

26 - The 'stuff' magazine is also addressed correctly

1 but as with the previous magazine I'm not getting them!

2 ~~Exh D~~ Exh D

3 27- The same thing with the 'Blender', Exh E, the
4 'Condé Nast Traveller' Exh F, both correctly addressed
5 but unreceived!

6 28- Note: the Details magazine Exh G is also misspelled
7 Kierpatrick - 'Kirk', but as with the 'architectural
8 Digest I got the bill so what is the problem? Exh G

9 29- NOTE- S.Q. is obligated by law and calif prison
10 rules to let me know - in writing - of any mail I do
11 not receive and its disposition. They can't just "throw
12 it away"!

13 30- As is obvious the named guards order it then use
14 their deliberately placed discrepancies to stress me
15 out, or 'try' to. And they use my legitimately ordered
16 reading material to do the same and ruin my credit

17 31- It's working to a degree, Despite numerous instit-
18 utional appeals (602s) and many letters to S.Q. litig-
19 ation coordinator from me and dep A.G R. C. Schneider
20 - (she 'claims' - in writing - she never got any of the letters
21 that S.Q. lawyer Mrs Denise Dull and S.Q. administrat-
22 ion refuse to deal with these federal crimes profession-
23 ally!

24 I want My Mail! I want the perpetration of this
25 interstate crime arrested!

26 It is for the reasons stated above that I request
27 an order from this court compelling calif. A.G Mr
28 Gerald Brown to conduct an in depth investigation

Also, being as to how race and religion are the motivating factors here I ask that the court issue an order to the Federal Bureau of Investigation to conduct an in-depth investigation - immediately! This is absurd!

Also on May 8 2007 I sent dep. A.G. Robert C. Schneider an important complaint with specific instructions that I wanted ed the enclosures back. To date despite many appeals he refuses to return them. I want them back!

Also on July 10, 2007 I wrote Senor dep. A.G. Mr. Luis Verdugo Jr. requesting he address all letters sent to his office to date no response from the edif. A.G. office.

I swear under penalty of perjury the foregoing is true and correct and will testify to it in a court of law

Signed at

San Quentin Prison

on Oct 9 2007

Will Kirkpatrick
William Kirkpatrick
CDC # C-41406

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
DIVISION OF ADULT OPERATIONS
Death Row Tracking System
Condemned Inmate List (Secure)

Printed Date: 06/19/2007

LastName	First Name	Status Code	Ethnic Code	Received Date	Sentence Date	Offense Date	Trial County	Court Action
JOHNSON	LUMORD	Living	BLA	04/15/2002	04/08/2002	06/25/1994	Riverside	No Action
JOHNSON	MICHAEL	Living	WHI	05/06/1998	04/27/1998	07/17/1996	Ventura	No Action
JOHNSON	WILLIE	Living	BLA	08/05/1987	08/05/1987	07/01/1986	Contra Costa	Affirmed
JONES	ALBERT	Living	BLA	09/25/1996	09/20/1996	12/13/1993	Riverside	No Action
JONES	BRYAN	Living	BLA	09/28/1994	09/19/1994	08/15/1985	San Diego	No Action
JONES	ERNEST	Living	BLA	04/24/1995	04/07/1995	08/24/1992	Los Angeles	Affirmed
JONES	JEFFREY	Living	BLA	03/07/1989	02/22/1989	01/21/1985	Sacramento	Affirmed
JONES	KONGOZI	Living	BLA	12/02/1998	11/17/1998	12/06/1996	Los Angeles	No Action
JONES	MICHAEL	Living	BLA	01/02/1992	12/13/1991	01/21/1989	Riverside	Affirmed
JONES	RONALD	Living	BLA	06/12/1991	06/04/1991	10/18/1988	Los Angeles	Affirmed
JONES	WILLIAM	Living	WHI	02/17/1999	02/08/1999	06/18/1996	Riverside	No Action
JURADO	ROBERT	Living	HIS	10/13/1994	10/01/1994	05/15/1991	San Diego	Affirmed
KARIS	JAMES	Living	WHI	09/20/1982	09/17/1982	07/08/1981	Sacramento	Affirmed
KELLY	DOUGLAS	Living	BLA	11/15/1995	11/08/1995	09/15/1993	Los Angeles	No Action
KELLY	HORACE	Living	BLA	06/27/1986	06/25/1986	11/22/1984	Riverside	Affirmed
KENNEDY	JERRY	Living	WHI	12/21/1993	12/20/1993	03/15/1993	San Bernardino	Affirmed
KIMBLE	ERIC	Living	BLA	04/06/1981	04/06/1981	08/12/1978	Colusa	Affirmed
KIPP	MARTIN	Living	OTH	09/24/1987	02/24/1987	09/16/1983	Los Angeles	Affirmed
KIRKPATRICK	WILLIAM	Living	BLA	08/22/1984	08/14/1984	09/17/1983	Orange	Affirmed
KOPATZ	KIM	Living	WHI	03/27/2001	03/21/2001	04/22/1999	Los Angeles	Affirmed
KRAFT	RANDY	Living	WHI	11/30/1989	11/29/1989	12/01/1972	Riverside	No Action
KREBS	REX	Living	WHI	07/20/2001	07/20/2001	11/13/1998	Orange	Affirmed
LANCASTER	ANDREW	Living	BLA	09/23/1998	09/16/1998	04/23/1996	San Luis Obispo	No Action
LANDRY	DANIEL	Living	WHI	09/19/2001	09/11/2001	08/03/1997	Los Angeles	No Action
							San Bernardino	No Action

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Handwritten notes:
 3/11/08
 [Signature]
 [Signature]
 [Signature]

CLOSED, ProSe

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:07-cv-01780-VRW
Internal Use Only**

Kirkpatrick v. Dull et al
Assigned to: Hon. Vaughn R. Walker
Cause: 28:2241 Petition for Writ of Habeas Corpus

Date Filed: 03/29/2007
Date Terminated: 04/05/2007
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Petitioner

William Kirkpatrick, Jr.

represented by **William Kirkpatrick, Jr.**
C-91406
San Quentin State Prison
San Quentin, CA 94964
PRO SE

V.

Respondent

Denise Dull
Legal Affairs Coordinator, SQSP

Respondent

Jerry Brown
CA Attorney General

Respondent

Edward S. Berberian, Jr.
Marin County District Attorney

Respondent

Mathew L. Cate

Respondent

CA Inspector General's Office

Respondent

CA Attorney General's Office

Date Filed	#	Docket Text
03/29/2007	1	Case transferred in from the Eastern District of CA; Case Number 2:07-cv-00233-DFL-EFB. Original file certified copy of transfer order and docket sheet received.. Filed by William Kirkpatrick, Jr. (gsa, COURT STAFF) (Filed on 3/29/2007) (Entered: 03/30/2007)
03/29/2007	2	CLERK'S NOTICE re completion of In Forma Pauperis affidavit or payment of filing

		fee due within 30 days. (gsa, COURT STAFF) (Filed on 3/29/2007) (Entered: 03/30/2007)
04/05/2007	● <u>3</u>	ORDER DISMISSING CASE (gsa, COURT STAFF) (Filed on 4/5/2007) Additional attachment(s) added on 4/16/2007 (cgk, COURT STAFF). (Entered: 04/09/2007)
04/05/2007	● <u>4</u>	CLERK'S JUDGMENT in favor of defendant against plaintiff (gsa, COURT STAFF) (Filed on 4/5/2007) (Entered: 04/09/2007)
04/12/2007	● <u>5</u>	Letter dated 4/3/2007 from William Kirkpatrick requesting clarification of status of case and payment request. (gsa, COURT STAFF) (Filed on 4/12/2007) (Entered: 04/16/2007)